

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALFRED CONTRERAS,

Petitioner,

Civil Case No. 08-11526

Criminal Case No. 05-50088

v.

Paul D. Borman
United States District Judge

UNITED STATES OF AMERICA,

Michael Hluchaniuk
United States Magistrate Judge

Respondent.

ORDER ADOPTING MAGISTRATE JUDGE MICHAEL HLUCHANIUK'S MARCH 18,
2011 REPORT AND RECOMMENDATION (DKT. NO. 44) AND DENYING PETITIONER'S
MOTION TO VACATE SENTENCE (DKT. NO. 24)

Before the Court is Magistrate Judge Michael Hluchaniuk's March 18, 2011 Report and Recommendation Denying Petitioner's Motion Under 28 U.S.C. § 2255. (Dkt. No. 44.)

Having reviewed the Report and Recommendation, and there being no timely objections from either party under 28 U.S.C. § 636(b)(1) and E.D. Mich L. R. 72.1(d), the Court ADOPTS the Magistrate Judge's Report and Recommendation (Dkt. No. 44), DENIES Petitioner's Motion to Vacate Sentence (Dkt. No. 24) and DISMISSES Petitioner's remaining claims.

Federal Rule of Appellate Procedure 22 provides that an appeal may not proceed unless a certificate of appealability (COA) is issued under 28 U.S.C. § 2253(c). A COA may be issued "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. §2253(c)(2). A petitioner must show "that reasonable jurists

could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (citation omitted). The Court concludes that reasonable jurists could not debate the Court’s resolution of the instant Petition. Therefore, the Court DENIES a certificate of appealability.

IT IS SO ORDERED.

S/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: April 28, 2011

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means and

Alfred Contreras
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Federal Correctional Institution
P. O. Box 1000
Milan, MI 48160-0190

by U.S. Mail on April 28, 2011.

S/Denise Goodine
Case Manager